

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

v.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

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: CIVIL ACTION
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: NO. 04-CV-325 (ERIE)
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: Judge Sean J. McLaughlin
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**PLAINTIFF'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE REPLY
BRIEFS IN SUPPORT OF PLAINTIFF'S
MOTIONS FOR PARTIAL SUMMARY
JUDGMENT**

Plaintiff Indeck Keystone Energy, LLC ("IKE"), by and through its undersigned counsel, hereby moves for an extension of time until May 2, 2006, to file reply briefs in support of its Motion for Partial Summary Judgment on Counts I, IV, V, and VI and Motion for Partial Summary Judgment on Defendant's Counterclaims ("the Motions"). Defendant does not oppose the Motion. As grounds for this motion, Plaintiff avers the following:

Introduction

1. As set forth in greater detail in IKE's Complaint, this action arises out of VEO's alleged misuse and misappropriation, *inter alia*, of certain software and proprietary and

technical data (collectively, the “Keystone® Technology”) that was licensed to VEO pursuant to a written License Agreement dated as of January 7, 2003.

2. On January 20, 2006, Defendant filed a Motion for Partial Summary Judgment.

3. On March 6, 2006, Plaintiff filed a Motion for Partial Summary Judgment on Counts I, IV, V, and VI of its Complaint and a Motion for Partial Summary Judgment on Defendant’s Counterclaims.

4. Defendant moved the Court for an extension of time until April 10, 2006 to respond to the Motions, which extension was not opposed by Plaintiff. The Court granted that Motion, and Defendant filed responses to the motions on that date.

5. Plaintiff now requests an extension until May 2 to file a reply brief in support of the Motions. Plaintiff has not yet begun preparation of a response because lead counsel for Plaintiff (John K. Gisleson) was in depositions in Altoona, Pennsylvania on April 10 and 11 and had a pre-planned family vacation from April 12-15. He then participated in all-day settlement negotiations in an injunction matter on April 17 (*Anne Benda et al. v. Upper St. Clair School District*, Civil Action No. 06-006708). In addition, co-counsel for Plaintiff (Robert J. Williams), who prepared the Motion for Partial Summary Judgment on Defendant’s Counterclaims, has been on paternity leave since March 31 in connection with his wife’s delivery of triplets and will not return to work until April 24.

6. Oral argument on the parties’ respective motions for partial summary judgment is not scheduled to occur until May 31, 2006, such that the reply briefs will not delay the date for argument.

7. There is no prejudice to Defendant from the extension because the briefs will be filed well in advance of the May 31 argument and because no further reply to those briefs is necessary.

8. Counsel for Plaintiff consulted with counsel for Defendant, who has no objection to this request for an extension of time.

CONCLUSION

9. Plaintiff has diligently prosecuted this lawsuit, pursued discovery, and developed the facts to support its claim and defend against Defendant's counterclaims. Plaintiff asks for an extension of time until May 2 in order to fully respond to the arguments raised in Defendant's responses to the Motions.

WHEREFORE, Plaintiff Indeck Keystone Energy LLC asks the Court to grant an extension of time until May 2, 2006, for Plaintiff to file its reply briefs.

Respectfully submitted,

/s/ John K. Gisleson

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Attorneys for Plaintiff and Counterclaim Defendant,
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Dated: April 19, 2006.

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing **Plaintiff's Unopposed Motion for Extension of Time to File Reply Briefs** was served on the following parties by electronic mail and First Class Mail, this 19th day of February, 2006:

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_____/s/
John K. Gisleson